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Forty-sixth session
Item 93 of the provisional agenda*

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

Report of the Secretary-General

I. INTRODUCTION

1. The General Assembly, by its resolution 3068 (XXVIII) of 30 November 1973, adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of Apartheid and appealed to all States to sign and ratify it as soon as possible.

2. By its resolution 3380 (XXX) of 10 November 1975, the General Assembly, convinced that ratification of or accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid on a universal basis and implementation of its provisions were necessary for the achievement of the goals of the Decade for Action to Combat Racism and Racial Discrimination, appealed to the Governments of all States to sign, ratify and implement the Convention without delay and requested the Secretary-General to submit to it annual reports on the status of the Convention.

3. By its resolution 31/80 of 13 December 1976, the General Assembly welcomed the entry into force on 18 July 1976 of the Convention, appealed to all States that had not yet become parties to the Convention to accede thereto, requested the Secretary-General to include in his annual report under General Assembly resolution 3380 (XXX) a special part concerning the implementation of the Convention, and decided to consider annually, starting with its thirty-second session, the question entitled "Status of the

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International Convention on the Suppression and Punishment of the Crime of Apartheid".

4. By its resolution 45/90 of 14 December 1990, the General Assembly appealed once again to the States that had not yet done so to ratify or to accede to the Convention without further delay, in particular those States which had jurisdiction over transnational corporations operating in South Africa and without whose cooperation such operations could not be halted.

II. STATUS OF THE CONVENTION

5. In accordance with the provisions of its article XV, paragraph 1, the International Convention on the Suppression and Punishment of the Crime of Apartheid entered into force on 18 July 1976.

6. As at 1 August 1991, the total number of ratifications and accessions to the Convention was 89. A list of States that have signed, ratified or acceded to the Convention and the dates of their signature, ratification or accession appears in the annex to the present report.

7. In paragraph 11 of its resolution 45/90, the General Assembly requested the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention.

III. IMPLEMENTATION OF THE CONVENTION

8. Under article VII of the Convention, the States parties undertake to submit periodic reports to the group established under article IX on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention. Copies of the reports are transmitted through the Secretary-General to the Special Committee against Apartheid.

9. In accordance with article IX, paragraphs 1 and 3, of the Convention, the Chairman of the Commission on Human Rights is authorized to appoint a group consisting of three members of the Commission, who are also representatives of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII. The group may meet for a period of not more than five days, either before the opening or after the closing date of the session of the Commission, to consider the reports submitted in accordance with article VII.

10. Under article X of the Convention, the States parties to the Convention empower the Commission on Human Rights to undertake a number of tasks enumerated therein, inter alia, to prepare, on the basis of reports from competent organs of the United Nations and periodic reports from States parties, a list of individuals, organizations, institutions and representatives of States that are alleged to be responsible for the crimes

enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by States parties to the Convention.

11. By its resolution 44/69, the General Assembly commended those States parties to the Convention that had submitted their reports under article VII thereof and requested the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the forms of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa, and further requested the Secretary-General to include in his next annual report a special section concerning the implementation of the Convention.

12. The Group of Three on the implementation of the Convention, appointed by the Chairman of the Commission on Human Rights at its forty-sixth session under article IX of the Convention, was composed of the representatives of Ethiopia, Mexico and the Philippines. The Group met at the United Nations Office at Geneva from 21 to 25 January 1991. It had before it reports submitted since the forty-sixth session of the Commission on Human Rights by two States Parties.

13. In its report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/42), the Group of Three, inter alia, noted with great concern that, as at 31 December 1990, more than 80 reports were overdue under the Convention, and it strongly urged the States parties concerned to fulfil their reporting obligations and to expedite the submission of their overdue reports, as requested by the General Assembly in its resolution 45/90. The Group called upon all States parties to the Convention to incorporate in their legislation provisions relating to the "crime of apartheid", including practices of racial segregation and discrimination, in accordance with article II of the Convention, and to provide appropriate penalties in respect of persons guilty of the crime of apartheid, as stipulated in article IV (b) of the Convention, and in that connection it reiterated the view that consideration should be given to the drawing up of model legislation that would serve the States parties as a guide for the implementation of the provisions of the Convention. It wished to appeal once again to States parties, through the Commission on Human Rights, to strengthen their cooperation at the international level and to adopt legislative and administrative measures to implement fully and expeditiously, in accordance with the Charter of the United Nations, the decisions taken by the Security Council and other competent organs of the United Nations and its specialized agencies aimed at the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention. The Group wished to emphasize once again the importance of measures to be taken in the field of teaching and education for fuller implementation of the Convention and invited the States parties to include information on those measures in their reports. It also reiterated its opinion that the assistance given to national liberation movements in South Africa should be strengthened and called upon the international community to contribute generously to such movements. Taking into account Commission on Human Rights resolution 1989/8 of 23 February 1989, by which the periodicity for the submission of reports was

extended from two-year to four-year intervals, and noting that for the 1991 session only two reports had been received, as compared to the average of 10 reports per year received in previous years, the Group recommended to the Commission that the Group of Three should henceforth meet every two years rather than annually as at present. While the Group noted that limited progress had taken place between the South African authorities and the political leaders of the majority of the people, it reiterated its conviction that the maintenance of comprehensive and mandatory sanctions, as well as other forms of pressure against the racist regime in South Africa, was an important and effective means available to the international community for putting an end to the system of apartheid. At the same time, the Group considered that it would be desirable to undertake serious efforts to bring to an end the policies and practices of apartheid of the Government of South Africa through negotiations based on the principle of justice and peace for all as stated in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted unanimously by the General Assembly at its sixteenth special session in resolution S-16/1 of 14 December 1989.

14. By its resolution 1991/10 of 22 February 1991, entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid", the Commission on Human Rights took note with appreciation of the report of the Group of Three, and in particular of the conclusions and recommendations contained therein; requested the States parties to the Convention to continue to submit their initial reports not later than two years after the entry into force of the Convention for the States parties concerned and their periodic reports at four-year intervals, on the understanding that they may submit additional information to the Group at any time in the intervening period if they wish to do so; recommended once again that all States parties should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex); took note of the opinion expressed by the Group in its report that transnational corporations operating in South Africa must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention; called upon all States whose transnational corporations continued to do business with South Africa to take appropriate steps to terminate their dealings with South Africa; requested the Secretary-General to invite States parties to the Convention to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa; requested the Group to continue, in the light of the views expressed by States parties, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that might be taken under the Convention against transnational corporations whose operations in South Africa came under the crime of apartheid, and to report to the Commission at its forty-ninth session; and decided that henceforth the Group of Three should meet every two years rather than annually to consider the reports submitted by States parties in accordance with article VII of the Convention.

15. The Secretary-General will bring to the attention of States parties and others the contents of those resolutions.

ANNEX

List of States that have signed, ratified or acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid

State	Date of signature	Date of receipt of the instrument of ratification or accession
Afghanistan		6 July 1983 a/
Algeria	23 January 1974	26 May 1982
Antigua and Barbuda		7 October 1982 a/
Argentina	6 June 1975	7 November 1985
Bahamas		31 March 1981 a/
Bahrain		27 March 1990 a/
Bangladesh		5 February 1985 a/
Barbados		7 February 1979 a/
Benin	7 October 1974	30 December 1974
Bolivia		6 October 1983 a/
Bulgaria	27 June 1974	18 July 1974
Burkina Faso	3 February 1976	24 October 1978
Burundi		12 July 1978 a/
Byelorussian Soviet Socialist Republic	4 March 1974	2 December 1975
Cambodia		28 July 1981 a/
Cameroon		1 November 1976 a/
Cape Verde		12 June 1979 a/
Central African Republic		8 May 1981 a/
Chad	23 October 1974	23 October 1974
China		18 April 1983 a/

State	Date of signature	Date of receipt of the instrument of ratification or accession
Colombia		23 May 1988 a/
Congo		5 October 1983 a/
Costa Rica		15 October 1986 a/
Cuba		1 February 1977 a/
Czechoslovakia	29 August 1975	25 March 1976
Democratic Yemen b/	31 July 1974	
Ecuador	12 March 1975	12 May 1975
Egypt		13 June 1977 a/
El Salvador		30 November 1979 a/
Ethiopia		19 September 1978 a/
Gabon		29 February 1980 a/
Gambia		29 December 1978 a/
Ghana		1 August 1978 a/
Guinea	1 March 1974	3 March 1975
Guyana		30 September 1977 a/
Haiti		19 December 1977 a/
Hungary	26 April 1974	20 June 1974
India		22 September 1977 a/
Iran (Islamic Republic of)		18 April 1985 a/
Iraq	1 July 1975	9 July 1975
Jamaica	30 March 1976	18 February 1977
Jordan	5 June 1974	
Kenya	2 October 1974	

State	Date of signature	Date of receipt of the instrument of ratification or accession
Kuwait		23 February 1977 a/
Lao People's Democratic Republic		5 October 1981 a/
Lesotho		4 November 1983 a/
Liberia		5 November 1976 a/
Libyan Arab Jamahiriya		8 July 1976 a/
Madagascar		26 May 1977 a/
Maldives		24 April 1984 a/
Mali		19 August 1977 a/
Mauritania		13 December 1988 a/
Mexico		4 March 1980 a/
Mongolia	17 May 1974	8 August 1975
Mozambique		18 April 1983 a/
Namibia		11 November 1982 a/
Nepal		12 July 1977 a/
Nicaragua		28 March 1980 a/
Niger		28 June 1978 a/
Nigeria	26 June 1974	31 March 1977
Oman	3 April 1974	
Panama	7 May 1976	16 March 1977
Pakistan		27 February 1986 a/
Peru		1 November 1978 a/
Philippines	2 May 1974	26 January 1978

State	Date of signature	Date of receipt of the instrument of ratification or accession
Poland	7 June 1974	15 March 1976
Qatar	18 March 1975	19 March 1975
Romania	6 September 1974	15 August 1978
Rwanda	15 October 1974	23 January 1981
Saint Vincent and the Grenadines		9 November 1981 a/
Sao Tome and Principe		5 October 1979 a/
Senegal		18 February 1977 a/
Seychelles		13 February 1978 a/
Somalia	2 August 1974	28 January 1975
Sri Lanka		18 February 1982 a/
Sudan	10 October 1974	21 March 1977
Suriname		3 June 1980 a/
Syrian Arab Republic	17 January 1974	18 June 1976
Togo		24 May 1984 a/
Trinidad and Tobago	7 April 1975	29 October 1979
Tunisia		21 January 1977 a/
Uganda	11 March 1975	10 June 1986
Ukrainian Soviet Socialist Republic	20 February 1974	10 November 1975
Union of Soviet Socialist Republics	12 February 1974	26 November 1975
United Arab Emirates	9 September 1975	15 October 1975
United Republic of Tanzania		11 June 1976 a/
Venezuela		28 January 1983 a/

State	Date of signature	Date of receipt of the instrument of ratification or accession
Viet Nam		9 June 1981 a/
Yemen b/		17 August 1987 a/
Yugoslavia	17 October 1974	1 July 1975
Zaire		11 July 1978 a/
Zambia		14 February 1983 a/
Zimbabwe		13 May 1991 a/

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a/ Accession.

b/ On 22 May 1990 Democratic Yemen and Yemen merged to form a single State. Since that date they have been represented as one Member with the name "Yemen".

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Item 99 (a) of the provisional agenda*

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Status of the Convention on the Rights of the Child

Report of the Secretary-General

1. The General Assembly, by its resolution 44/25 of 20 November 1989, adopted and opened for signature, ratification or accession the Convention on the Rights of the Child, and expressed the hope that the Convention would be signed, ratified or acceded to without delay.

2. The Convention was opened for signature in New York, on 26 January 1990. In accordance with article 49 (1) thereof, the Convention entered into force on 2 September 1990, the thirtieth day after the date of deposit with the Secretary-General of the twentieth instrument of ratification or accession.

3. By its resolution 45/104, the General Assembly requested the Secretary-General, inter alia, to submit to it at its forty-sixth session a report on the status of the Convention on the Rights of the Child.

4. As at 1 August 1991, the Convention had been ratified or acceded to by 93 States and another 46 States had signed the Convention. A list of States that have signed, ratified or acceded to the Convention and the dates of their signature, ratification or accession appears in the annex to the present report.

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ANNEX

List of States which have signed, ratified or acceded to the Convention on the Rights of the Child as at 1 August 1991

States	Date of signature	Date of receipt of the instrument of ratification or accession a/
Afghanistan	27 September 1990	
Albania	26 January 1990	
Algeria	26 January 1990	
Angola	14 February 1990	5 December 1990
Antigua and Barbuda	12 March 1991	
Argentina	29 June 1990	4 December 1990
Australia	22 August 1990	17 December 1990
Austria	26 January 1990	
Bahamas	30 October 1990	20 February 1991
Barbados	19 April 1990	9 October 1990
Bangladesh	26 January 1990	3 August 1990
Belgium	26 January 1990	
Belize	2 March 1990	2 May 1990
Benin	25 April 1990	3 August 1990
Bhutan	4 June 1990	1 August 1990
Bolivia	8 March 1990	26 June 1990
Brazil	26 January 1990	24 September 1990
Bulgaria	31 May 1990	3 June 1991
Burkina Faso	26 January 1990	31 August 1990
Burundi	8 May 1990	19 October 1990
Byelorussian SSR	26 January 1990	1 October 1990
Cameroon	25 September 1990	
Canada	28 May 1990	
Central African Republic	30 July 1990	
Chad	30 September 1990	2 October 1990
Chile	26 January 1990	13 August 1990
China	29 August 1990	

States	Date of signature	Date of receipt of the instrument of ratification or accession a/
Colombia	26 January 1990	28 January 1991
Comoros	30 September 1990	
Costa Rica	26 January 1990	21 August 1990
Côte d'Ivoire	26 January 1990	4 February 1991
Cuba	26 January 1990	
Cyprus	5 October 1990	7 February 1991
Czech and Slovak Federal Republic	30 September 1990	7 January 1991
Democratic People's Republic of Korea	23 August 1990	21 September 1990
Denmark	26 January 1990	19 July 1991
Djibouti	30 September 1990	6 December 1990
Dominica	26 January 1990	13 March 1991
Dominican Republic	8 August 1990	11 June 1991
Ecuador	26 January 1990	23 March 1990
Egypt	5 February 1990	6 July 1990
El Salvador	26 January 1990	10 July 1990
Ethiopia		14 May 1991 a/
Finland	26 January 1990	20 June 1991
France	26 January 1990	7 August 1990
Gabon	26 January 1990	
Gambia	5 February 1990	8 August 1990
Germany*	26 January 1990	
Ghana	29 January 1990	5 February 1990
Greece	26 January 1990	
Grenada	21 February 1990	5 November 1990

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* Through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State. As from the date of unification, the Federal Republic of Germany will act in the United Nations under the designation of "Germany". The former German Democratic Republic signed and ratified the Convention on 7 March 1990 and 2 October 1990, respectively.

States	Date of signature	Date of receipt of the instrument of ratification or accession a/
Guatemala	26 January 1990	6 June 1990
Guinea		13 July 1990 a/
Guinea-Bissau	26 January 1990	20 August 1990
Guyana	30 September 1990	14 January 1991
Haiti	26 January 1990	
Holy See	20 April 1990	20 April 1990
Honduras	31 May 1990	10 August 1990
Hungary	14 March 1990	
Iceland	26 January 1990	
Indonesia	26 January 1990	5 September 1990
Ireland	30 September 1990	
Israel	3 July 1990	
Italy	26 January 1990	
Jamaica	26 January 1990	14 May 1991
Japan	21 September 1990	
Jordan	29 August 1990	24 May 1991
Kenya	26 January 1990	30 July 1990
Kuwait	7 June 1990	
Lao People's Democratic Republic		8 May 1991 a/
Lebanon	26 January 1990	14 May 1991
Lesotho	21 August 1990	
Liberia	26 April 1990	
Liechtenstein	30 September 1990	
Luxembourg	21 March 1990	
Madagascar	19 April 1990	19 March 1991
Malawi		2 January 1991 a/
Maldives	21 August 1990	11 February 1991
Mali	26 January 1990	20 September 1990
Malta	26 January 1990	30 September 1990
Mauritania	26 January 1990	16 May 1991
Mauritius		26 July 1990 a/

States	Date of signature	Date of receipt of the instrument of ratification or accession a/
Mexico	26 January 1990	21 September 1990
Mongolia	26 January 1990	5 July 1990
Morocco	26 January 1990	
Mozambique	30 September 1990	
Myanmar		15 July 1991 a/
Namibia	26 September 1990	30 September 1990
Nepal	26 January 1990	14 September 1990
Netherlands	26 January 1990	
New Zealand	1 October 1990	
Nicaragua	6 February 1990	5 October 1990
Niger	26 January 1990	30 September 1990
Nigeria	26 January 1990	19 April 1991
Norway	26 January 1990	8 January 1991
Pakistan	20 September 1990	12 November 1990
Panama	26 January 1990	12 December 1990
Papua New Guinea	30 September 1990	
Paraguay	4 April 1990	25 September 1990
Peru	26 January 1990	4 September 1990
Philippines	26 January 1990	21 August 1990
Poland	26 January 1990	7 June 1991
Portugal	26 January 1990	21 September 1990
Republic of Korea	25 September 1990	
Romania	26 January 1990	28 September 1990
Rwanda	26 January 1990	24 January 1991
Saint Kitts and Nevis	26 January 1990	24 July 1990
Saint Lucia	30 September 1990	
Samoa	30 September 1990	
Sao Tomé and Principe		14 May 1991 a/
Senegal	26 January 1990	31 July 1990
Seychelles		7 September 1990 a/
Sierra Leone	13 February 1990	18 June 1990

States	Date of signature	Date of receipt of the instrument of ratification or accession a/
Spain	26 January 1990	6 December 1990
Sri Lanka	26 January 1990	12 July 1991
Sudan	24 July 1990	3 August 1990
Suriname	21 February 1990	
Swaziland	22 August 1990	
Sweden	26 January 1990	29 June 1990
Switzerland	1 May 1991	
Syrian Arab Republic	18 September 1990	
Togo	26 January 1990	1 August 1990
Trinidad and Tobago	30 September 1990	
Tunisia	26 February 1990	
Turkey	14 September 1990	
Uganda	17 August 1990	17 August 1990
Ukrainian Soviet Socialist Republic	21 February 1990	
Union of Soviet Socialist Republics	26 January 1990	16 August 1990
United Kingdom of Great Britain and Northern Ireland	19 April 1990	
United Republic of Tanzania	1 June 1990	10 June 1991
Uruguay	26 January 1990	20 November 1990
Vanuatu	30 September 1990	
Venezuela	26 January 1990	13 September 1990
Viet Nam	26 January 1990	28 February 1990
Yemen	13 February 1990	1 May 1991
Yugoslavia	26 January 1990	3 January 1991
Zaire	20 March 1990	27 September 1990
Zambia	30 September 1990	
Zimbabwe	8 March 1990	11 September 1990